

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PELOTON INTERACTIVE, INC.

Plaintiff,

v.

FLYWHEEL SPORTS, INC.

Defendant.

Case No. 2:18-CV-00390-RWS-RSP

**DECLARATION OF JEFFREY S.
GINSBERG IN SUPPORT OF
DEFENDANT'S MOTION
PURSUANT TO 28 U.S.C. § 1404(a)
TO TRANSFER**

I, Jeffrey S. Ginsberg, declare and state as follows:

1. I am a partner at the law firm of Patterson Belknap Webb & Tyler, LLP and counsel for Flywheel Sports, Inc. ("Flywheel") in this matter. I am licensed to practice law in the state of New York, and am admitted to practice in the Eastern District of Texas. I am familiar with the facts expressed herein.

2. Attached hereto as Exhibit A is a true and correct copy of Peloton Interactive, Inc.'s ("Peloton") motion to transfer in *Icon Health & Fitness, Inc. v. Peloton Interactive, Inc. et al.*, 16-CV-8303 (S.D.N.Y. Sept. 26, 2016), including the memorandum of law and declaration of Thomas Cortese, without exhibits, submitted in support thereof.

3. Attached hereto as Exhibit B is a true and correct copy of the complaint, without exhibits, filed in *VR Optics, LLC v. Peloton Interactive, Inc.*, 16-CV-6392 (S.D.N.Y.) ("*VR Optics*").

4. Attached hereto as Exhibit C is a true and correct copy of Peloton's amended third party complaint against Villency Design Group, LLC, Eric Villency and Joseph Coffey filed in *VR Optics*.

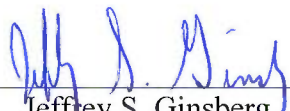
5. Attached hereto as Exhibit D is a true and correct copy of the third-party defendants' answer to amended third-party complaint in *VR Optics*.

6. Attached hereto as Exhibit E is a true and correct copy of the electronic docket from *VR Optics* as of November 2, 2018.

7. Attached hereto as Exhibit F is a true and correct copy of an Application Data Sheet from U.S. Patent Application Ser. No. 15/865,206 filed on January 8, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 5, 2018
New York, New York



Jeffrey S. Ginsberg